

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Office**Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

S-1

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

08/706,136 08/30/96 VANDENBELT

R HW-106A

LM02/0509

EXAMINER

ALBERT PETER DURIGON  
LAW OFFICES OF ALBERT PETER DURIGON  
20 EUSTIS STREET  
CAMBRIDGE MA 02140

CHANG, V

ART UNIT

PAPER NUMBER

2747

21

DATE MAILED:

05/09/00

Please find below and/or attached an Office communication concerning this application or proceeding.

**Commissioner of Patents and Trademarks**

## Office Action Summary

Application No. 08/706,136	Applic.(s)	Vandenbelt et al
Examiner Vivian Chang	Group Art Unit 2747	

Responsive to communication(s) filed on Feb 16, 1900

This action is FINAL.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle 1035 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

### Disposition of Claim

Claim(s) 1-12 and 14-19 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

Claim(s) \_\_\_\_\_ is/are allowed.

Claim(s) 1-12 and 14-19 is/are rejected.

Claim(s) \_\_\_\_\_ is/are objected to.

Claims \_\_\_\_\_ are subject to restriction or election requirement.

### Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. § 119

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All  Some\*  None of the CERTIFIED copies of the priority documents have been

received.

received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

### Attachment(s)

Notice of References Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s). 18 & 20

Interview Summary, PTO-413

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 2747

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-12 and 14-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith (US 5,619,179) in view of Kramer (WO 83/01705).

Consider claim 1. Smith teaches a digital sound relaxation and noise masking system comprising: a digital sound relaxation device having operator input sound selection means, a built-in memory (e.g., the memory in the processor), the memory having pre-selected and prerecorded sounds selectable for individual replay, and a sound controller that is coupled to the memory and the operator input means and operative in built-in sounds replay mode to play any sound of the built-in memory selected via the operator input sound selection means and to repetitively replay sounds without disrupting pauses. Smith does not show a collectable sound card in associated with the device.

However, Kramer teaches that it has been well known in the art to provide a system which can provide extra sound entertainment from a collectable sound card; see page 3. Thus it would have been obvious for one skilled in the art at the time the invention was made to apply the

Art Unit: 2747

teaching of Kramer to the device of Smith so that more different choices of sound signals could have been accessed by the users.

Consider claims 2. The device of Smith as modified teaches the claimed limitation.

Consider claim 3. Smith's system has a plurality of switches. Smith does not teach a sound card selector switch for reassigning the switches between the built-in and sound card sounds. However, it would have been obvious to include such a switch since the computer has to be notified whether the selector switches are going select information from the internal memory or the external memory.

Consider claim 4. The device of Smith as modified teaches the claimed limitation.

Consider claims 5-7, 10 and 14-18. Note the discussion of claims 1-2, the device of Smith as modified teaches the claimed limitation.

Consider claims 8-9, 11-12 and 19. The device of Smith as modified teaches the claimed limitation, e.g., the examiner takes official notice that audio signals stored in a sound bite format are well known in the art and therefore would have been obvious since it is just another well known alternative formats that audio signals could have been stored in.

3. Applicant's arguments with respect to claims 1-12 and 14-19 have been considered but are moot in view of the new ground(s) of rejection.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vivian Chang whose telephone number is (703) 308-6739.

Art Unit: 2747

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 308-9051, (for formal communications intended for entry)

**Or:**

(703) 305-9508 (for informal or draft communications, please label

"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

VC

May 1, 2000



VIVIAN CHANG  
PRIMARY EXAMINER